

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
15479A (PC9898B)

In Re Application Of: **David A. Brake, et al.**

Serial No.
10/036,351

Filing Date
November 9, 2001

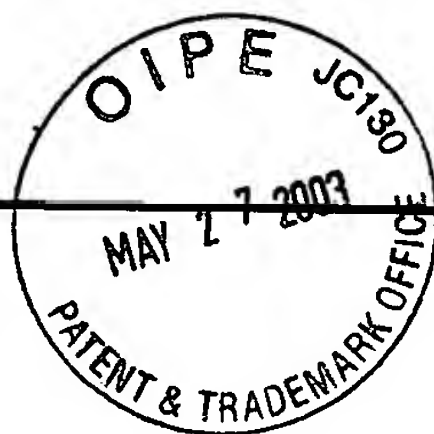
Examiner
Jennifer E. Graser

Group Art Unit
1645

Title: **NEOSPORA VACCINE**

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Address to:

Commissioner for Patents
P.O. Box 1450
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37 CFR 1.97(b)

1. ☐ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☒ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

OR

☒ the fee set forth in 37 CFR 1.17(p).

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Payment of Fee

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(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☒ A check in the amount of **\$180.00** is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.

☐ Charge the amount of

☒ Credit any overpayment.

☒ Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F:

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited on **May 22, 2003** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Michelle Mustafa
Typed or Printed Name of Person Mailing Certificate

***This certificate may only be used if paying by deposit account.**

Signature

Dated: **May 22, 2003**

Peter I. Bernstein
Registration No. 43,497
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

cc: **PIB/XZ:ab**



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David A. Brake, et al.

Examiner: Jennifer E. Graser

Serial No.: 10/036,351

Art Unit: 1645

Filed: November 9, 2001

Docket: 15479A (PC9898B)

For: NEOSPORA VACCINE

Date: May 22, 2003

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Commissioner for Patents
Alexandria, VA 22313-1450

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INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. §§1.97 and 1.98, it is requested that the references, which are listed on the attached Form PTO-1449, be made of record in the above-identified case.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on May 22, 2003.

Dated: May 22, 2003


Michelle Mustafa

05/28/2003 WABDELRI 00000061 10036351 180.00 DP
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Pursuant to 37 C.F.R. §1.98(d), copies of publications for Reference Nos. 1-14 are not provided, as these references were previously submitted to the Examiner in connection with the parent case, Serial Number 09/138,985, filed on August 24, 1998. Please note that Reference No. 15 was cited in an Office Action in the parent case from the United States Patent and Trademark Office dated March 23, 2000, therefore, a copy is not provided.

Applicants are providing a copy of Reference No. 16, enclosed herewith.

Consideration of this Information Disclosure Statement is respectfully requested, since the art provided may be material to the examination of the present application as defined under 37 C.F.R. §1.56.

Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. §1.97(c), the \$180.00 fee is enclosed.

Respectfully submitted,



Peter I. Bernstein
Registration No. 43,497

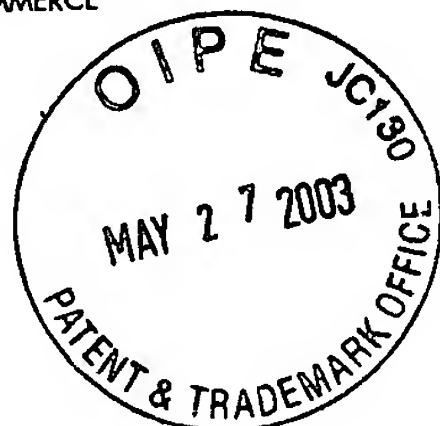
Scully, Scott, Murphy & Presser
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(516) 742-4343

PIB/XZ:ab

Enclosures: PTO Form 1449
Copy of One (1) Reference

LIST OF PRIOR ART CITED BY APPLICANT

(Use several sheets if necessary)



Atty. Docket No.
15479A (PC9898B)

Serial No.

10/036,551

Applicant

David A. Brake, et al.

Filing Date

November 9, 2001

Group
1645

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL*	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)
1	5,707,617	1/13/98	Conrad et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
2		9717082	5/15/97	WO				
3		9525541	9/28/95	WO				
4		0764446	3/36/97	EP				
5		0734731	10/2/96	EP				

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

6	Barr et al., 1994, J. Vet. Diagn. Invest. 6:207-215, "Experimental reproduction of bovine fetal Neospora infection and death with a bovine Neospora isolate."
7	Cole et al., 1995, J. Parasitol. 81:730-732, "Vertical transmission of Neospora caninum in mice."
8	Conrad et al., 1993, Parasitol. 106:239-249, "In vitro isolation and characterization of a Neospora sp. from aborted bovine fetuses."
9	Dubey and Lindsay, 1993, Parasitol. Today 9:452-458, "Neosporosis."
10	Lindsay et al., 1995, J. Parasitol. 81:313-315, "Mouse model for central nervous system Neospora caninum infections."
11	Lindsay et al., 1995, Am. J. Vet. Res. 56:1176-1180, "Abortions, fetal deaths and stillbirths in pregnant pygmy goats inoculated with tachyzoites of Neospora caninum."
12	Lindsay and Dubey, 1989, J. Parasitol. 75:772-779, "Neospora caninum (Protozoa: Apicomplexa) infections in mice."
13	Lindsay and Dubey, 1989, J. Parasitol. 75:163-165, "In vitro development of Neospora caninum (Protozoa: Apicomplexa) from dogs."
14	Lindsay and Dubey, 1990, J. Parasitol. 76:410-413, "Infections in mice with tachyzoites and bradyzoites of Neospora caninum (protozoa: Apicomplexa)."
15	Barta et al., 1992, Parasitol. Res. 78:689-694, "Characterization of anti-Neospora caninum hyperimmune rabbit serum by Western blot analysis and immunoelectron microscopy."
16	Baszler et al., 1996, J. Clin. Microbiol. 34(6):1423-1428, "Serological Diagnosis of Bovine Neosporosis by Neospora caninum Monoclonal Antibody-Based Competitive Inhibition Enzyme-Linked Immunosorbent Assay."

EXAMINER

DATE CONSIDERED

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.